

IN THE CIRCUIT COURT OF WYOMING COUNTY, WEST VIRGINIA

**ROBERT LEE BAILEY, JR., and
BESSIE A. BAILEY
Plaintiffs,**

v.

Civil Action Number: 15-C-

**RINEHART TOWER SERVICE, INC.,
A Corporation licensed in
Ohio, and
TYSON JAMES CARTER, an
Individual, jointly and separately
Defendants.**

COMPLAINT

COMES now the plaintiffs, Robert Bailey and Bessie Bailey, by the undersigned counsel, Anthony J. Sparacino, Jr., and states:

1. That plaintiff Robert Lee Bailey, Jr., is a resident of Wyoming County, West Virginia.
2. That plaintiff Bessie A. Bailey is a resident of Raleigh County, West Virginia
3. That Defendant, Rinehart Tower Service, Inc., is a Corporation filed with the Ohio Secretary of State, with its business located in Columbus, Franklin County, Ohio.
4. That Defendant Tyson James Carter is a resident of Westerville, Ohio,
5. That all events relating hereto occurred in Wyoming County, West Virginia.
6. That the motor vehicle in this action which the defendant Tyson James Carter was operating was owned by defendant Rinehart Tower Service, Inc.
7. That the motor vehicle in this action operated by defendant Tyson James Carter was insured by Grange Mutual , under Policy Number CPP2637384-00, the insured being defendant Rinehart Tower Service, Inc.

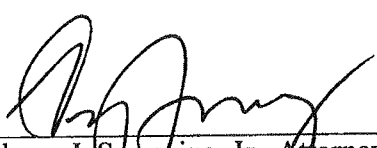
8. That at all times hereto defendant Tyson James Carter operated said motor vehicle with the knowledge and permission of defendant Rinehart Tower Service, Inc., acting in the capacity as employee and agent for defendant Rinehart Tower Services.
9. That on or about the 12th day of February, 2013, plaintiff Robert Lee Bailey, Jr., was operating his motor vehicle traveling east on WV Route 97 near Maben, Wyoming County, West Virginia.
That plaintiff Bessie A. Bailey, the Mother of Robert Lee Bailey, Jr., was a passenger in the motor vehicle operated by Robert Bailey as he operated his motor vehicle as described herein.
10. That on the aforesaid date and in the aforesaid place defendant, Tyson James Carter was operating his motor vehicle, also traveling east on WV Route 97 near Maben, Wyoming County, West Virginia.
11. That according to the State of West Virginia Uniform Traffic Crash Report submitted by Mike Johnson of the Wyoming County Sheriff Department, plaintiff Robert Bailey was slowed due to traffic, and defendant Tyson James Carter failed to stop his vehicle, striking the vehicle operated by Robert Lee Bailey, Jr. in the rear. That due to the negligent, willful, wanton and reckless manner, without due regard for the rights and safety of others, and also ignoring the traffic flow at said location, exhibited by defendant Tyson James Carters operation of his vehicle, resulted in the vehicle operated by the defendant Tyson James Carter, striking the vehicle operated by the plaintiff Robert Lee Bailey, Jr..

12. That as a direct and proximate result of the action of defendants plaintiff Robert Lee Bailey, Jr., has suffered personal injuries, which include, but are not limited to, injuries to his shoulder (rotator cuff tear), arm, ankle, wrist, neck, and legs, some of which are permanent in nature.
13. That as a direct and proximate result of the actions of the defendants, plaintiff Robert Lee Bailey, Jr., incurred past, present and future mental and physical pain and suffering, inconvenience, loss of society, service and companionship, loss of the enjoyment of life and emotional distress, and will continue to do so in the future.
14. That as a direct and proximate result of the defendants actions, plaintiff Robert Lee Bailey, Jr., suffered certain compensatory damages which include, but are not limited to, medical expenses, related costs due to multiple doctor appoints, some of which are of a continuing and future nature.
15. That as a direct and proximate result of the action of defendant's plaintiff Bessie A. Bailey has suffered personal injuries, which include, but are not limited to, injuries to her shoulder, neck, and back, some of which are permanent in nature.
16. That as a direct and proximate result of the actions of the defendants, plaintiff Bessie A. Bailey incurred past, present and future mental and physical pain and suffering, inconvenience, loss of society, service and companionship, loss of the enjoyment of life and emotional distress, and will continue to do so in the future.
17. That as a direct and proximate result of the defendants actions, plaintiff Bessie A. Bailey suffered certain compensatory damages which include, but are not limited to, medical expenses, related costs due to multiple doctor appoints, some of which are of a continuing and future nature.

WHEREFORE, the above described conduct of the defendants has directly and proximately caused injury to the plaintiffs, and the plaintiffs demand the following relief from the defendants, both jointly and separately:

- (A) Compensatory damages for past, present and future medical expenses, loss of earning capacity, and all other such loss of services in a fair and just amount to be determined by the jury at trial;
- (B) General damages for past, present and future pain and suffering, mental anguish, permanent injury, inconvenience, loss of society, service and companionship, loss of the enjoyment of life and emotional distress in a fair and just amount to be determined by the jury at trial;
- (C) Punitive damages in a fair and just amount to be determined by the jury at trial;
- (D) Pre-judgment and post-judgment interest;
- (E) Costs and attorney fees expended in this action
- (F) Any other further general or specific relief with the Court or the jury deems just and proper. A jury trial is requested.

Robert Lee Bailey, JR., and
Bessie A. Bailey
By Counsel



Anthony J. Sparacino, Jr., Attorney at Law
West Virginia State Bar I.D. No.: 3525
117 Appalachian Drive
Beckley, WV 25801
(304) 255-5842

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Defendants.**

**SUMMONS
(Civil Case)**

To the above-named Defendants:

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon **ANTHONY J. SPARACINO, JR.**, plaintiff's attorney, whose address is **254 East Beckley By-Pass, Beckley, WV 25801**, an answer, including any related counter claim or defense you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **30 days** after the service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim, cross complaint or defense you may have, which must be asserted in the above styled civil action.

DATED:

CLERK OF THE COURT

CIVIL CASE INFORMATION SHEET
IN THE CIRCUIT COURT OF WYOMING COUNTY, WEST VIRGINIA

I. CASE STYLE:

**ROBERT LEE BAILEY, JR., and
BESSIE A. BAILEY**
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v.

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Defendants.**

Case # 15-C- _____

Judge: _____

Days to Type of Service
Answer
30 Personal

II. TYPE OF CASE:

TORTS		OTHER CIVIL
____ Asbestos	____ Adoption	____ Appeal from Magistrate Court
____ Professional Malpractice	____ Contract	____ Petition for Modification of Magistrate Sentence
<u> X </u> Personal Injury	____ Real Property	____ Miscellaneous Civil
____ Products Liability	____ Mental Health	____ Other
____ Other Tort	____ Appeal of Administrative Agency	

III. JURY DEMAND: X YES ____ NO
CASE WILL BE READY FOR TRIAL BY (Month/Year): SEPTEMBER, 2015.

DEFENDANTS:

RINEHART TOWER SERVICES
CPM STARUTORY AGENT CORP.
366 E. BROAD STREET
COLUMBUS, OHIO 43215

TYSON JAMES CARTER
261 MOHAWK AVENUE
WESTERVILLE, OHIO 43081

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE
SPECIAL ACCOMODATIONS TO A DISABLITY OR AGE?
NO

Attorney Name: Anthony J. Sparacino, Jr.

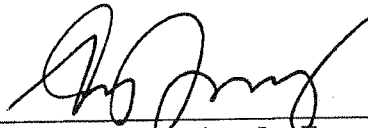
Representing:

Firm: Law office of Anthony J. Sparacino, Jr.

X Plaintiff

Address: 117 Appalachian Drive, Beckley, WV

Telephone: (304) 255-5842



Anthony J. Sparacino, Jr., Esq.

Dated: 2/5/2015